

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4600 OF 2007

Appaso Dada Bhagate & Ors. .. Petitioners.

V/s.

State of Maharashtra & Ors. .. Respondents.

Mr.P.D.Dalvi for the Petitioners.

Mr. V.P.Malvankar AGP for the Respondents.

**CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.**

DATED : 16th JUNE, 2007.

P.C. :-

. Rule. Heard forthwith.

2. The petitioners are directors of a Co-operative Bank. The respondent No.2 had issued a notice under section 78 of the Maharashtra Co-operative Societies Act, 1960. The petitioners replied to the same. Pursuant to that, an order has been passed on 10.4.2007 superseding the Board of Directors. The petitioners have filed an appeal. The petitioners apprehend that though there is no case warranting supersession of the Board of Directors, the Appeal would be dismissed. They apprehend that on the Appeal being dismissed an

Administrator would be appointed and their remedy would be rendered infructuous. Considering the ground in the show cause notice issued to the petitioners, we are inclined to direct that if the order of the Appellate Authority is adverse to the petitioners that order not to be acted upon for a period of four weeks from the date of communication to the petitioners.

3. Order accordingly. Rule is made absolute in the above terms with no order as to costs.

(F.I.REBELLO, J.)

(R.M.SAVANT, J.)

.....